

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE AGUIRRE-MORALES,

Defendant.

CR 18-02-BU-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on April 4, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Jose Aguirre-Morales’ guilty plea after Aguirre-Morales appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to illegal reentry in violation

of 18 U.S.C. §§ 1326(a) and (b)(2), as set forth in the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 19), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Jose Aguirre-Morales' motion to change plea (Doc. 12) is GRANTED and Jose Aguirre-Morales is adjudged guilty as charged in the Indictment.

DATED this 20<sup>th</sup> day of April, 2018.



Dana L. Christensen  
Dana L. Christensen, Chief District Judge  
United States District Court